

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHIRIMAR SYSTEMS, INC.,

Plaintiff,

-vs-

Case No. 01-74081
Hon: AVERN COHN

POWERDSINE, LIMITED,

Defendant,

CHIRIMAR SYSTEMS, INC.,

Plaintiff,

-vs-

Case No. 06-13936
Hon: AVERN COHN

FOUNDRY NETWORKS, INC.,

Defendant,

CHIRIMAR SYSTEMS, INC.,

Plaintiff,

-vs-

Case No. 06-13937
Hon: AVERN COHN

D-LINK SYSTEMS,

Defendant.

ORDER

These are patent cases. In each case, the patent-in-suit is U.S. Patent No. 5,406,260. In each case, plaintiff asserts the patent-in-suit is infringed by a device

manufactured by a defendant.

A.

1. In Case No. 01-74081, on September 29, 2006, plaintiff filed Chrimar's Statement of Paradigm Claim and Device. The paradigm claim is Claim 16, dependent from Claim 14. PowersDsine's POE (Power Over Ethernet) Midspan device is the paradigm device.

2. In Case No. 06-13936, on January 3, 2007, Chrimar filed a like designation. The paradigm claim is Claim 17, dependent from Claim 14. Foundry Networks POE switches are the paradigm devices.

3. In Case No. 06-13937 on January 3, 2007, Chrimar filed a like designation. The paradigm claim is Claim 17, dependent from Claim 14. D-Link Systems' POE switch devices and its POE's wireless access points are the paradigm devices.

B.

The motion filed April 18, 2007, styled Defendant Foundry Networks, Inc.'s Motion to Consolidate, [etc.], is withdrawn.

C.

1. Defendants shall within thirty (30) days designate the words and phrases in Claims 14, 16, and 17 which are ambiguous and require interpretation.

2. Plaintiff shall within thirty (30) days after defendants' designation, file its interpretation of the words and phrases identified by defendants.

3. Defendants shall respond within fifteen (15) days after plaintiff's filing.

The Court anticipates a joint filing of papers by defendants regarding claim interpretation.

D.

Within fifteen (15) days, the parties shall advise the Court of an agreed upon special master to decide upon and report and recommend in writing the proper interpretation of the ambiguous words and phrases.

E.

The issue of liability is bifurcated from the issue of wilfulness and damages and is to be tried first.

Any objections to this order shall be filed within five (5) days.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 23, 2007

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, May 23, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160